

IN THE U.S. DISTRICT COURT  
FOR THE MIDDLE  
DISTRICT OF ALABAMA

ROBERT WERMUTH,  
PLAINTIFF

V.

CV-05-644

SHANNON CARROLL YOUNGBLOOD  
et., al.,  
DEFENDANTS

AFFIDAVIT

Before me, the undersigned authority, personally appeared one; ROBERT WERMUTH, who first being duly sworn by me, did depose and say, under the penalty of perjury, and to the best of his knowledge and belief, the following, to wit;

- 1) I, the affiant in this instant "AFFIDAVIT" swear that I do have personal knowledge of the contents contained herein, and;
- 2) That I am over the age of (21) years, and;
- 3) that I am a bona-fide resident of the state of Alabama in the foresaid county of Montgomery, and;
- 4) That I make this instant "AFFIDAVIT" of my own free will without any coercion, duress, or threats and that I make this "AFFIDAVIT" to correct wrongs done to me by the Defendants named herein this complaint.

On September 30, 2003 after shoplifting two eighteen packs of beer and leaving the scene of the Kwik Shop on my way home. At the interchange of I-65 and I85 a marked Montgomery Police unit turned on his lights and siren and attempted to pull me over. After turning off the interstate into my residential neighborhood, I was still being followed by the Montgomery Police unit. When I turned right off of S. Holt street onto Day street road I was hit in the rear of my Jeep by the Montgomery Police unit. Continuing towards my home at the intersection of Day street and Hill street I was hit again by a Montgomery Patrol unit and pushed into the four laned intersection of Day street and hill street. Only about two blocks from my home I now feared for my life at the hands of the Montgomery Police Department.

When I made it home, I pulled into my driveway, stepped out of my Jeep, walked directly behind it, voluntarily laid face down on the ground with my arms in plain view. At the same time a Montgomery Police officer was approaching me with his gun drawn. This same officer came over and knelt down on top of me with his weapon still in his hand and told me I was under arrest. I turned my head and looked over my left shoulder to tell the officer that I was not going to resist, "I WAS JUST SCARED". The very next thing to happen, without warning, I was bit in the top of my head by a Montgomery Police Canine. The dog bit me again on my right forearm and then clamped down on my upper arm where it continued to bite me for several minutes. I pleaded with officers to stop the attack but they all stood there and did nothing. After the attack I was in need of immediate medical attention. Instead of taking me to get medical treatment I was taken to police headquarters where a "USE OF FORCE" incident report was done and pictures were taken. Finally, I was taken to Baptist Hospital and treated for my injuries. Affiant says nothing further.

respectfully,

Robert Wermuth

I hereby certify that I have served a copy of the foregoing document by causing the same to be placed in the U.S. Mail, postage pre-paid and addressed to the following:

KIMBERLY O. FEHL  
CITY OF MONTGOMERY  
LEGAL DEPARTMENT  
103 N. PERRY STREET  
MONTGOMERY, ALABAMA  
36104

Bruce L. Ammons  
NOTARY

NOTARY STATEMENT

5-7-2006  
MY COMMISSION EXPIRES

Done this 19 day of JAN, 2006.